

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Commercial Taxes Department – Inquiry against Sri B. Ankaiah, formerly Senior Assistant, Office of the Commercial Tax Officer-1, Ongole (now Retired) – Trapped by the ACB on 24.02.2003 – Case entrusted to Tribunal for Disciplinary Proceedings – Charges held proved in TEC No.40 of 2004 – Show Cause Notice Issued – Explanation submitted – Punishment of withholding of Pension and Gratuity in full permanently imposed – Orders – Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Rt.) No. 1225.

Dt.20.09.2010.

Read the following:-

- 1) D.G., ACB Final Report Lr. No.44/RCT-NPK/2003, dt.26.07.2003.
- 2) Govt. Memo No.11979/Vig.I(1)/2003-2, dt.17.09.2003.
- 1) The Secretary TDP Dis. No.S/11/2009, dt.25.09.2009.
- 2) Memo No.11979/Vig.I(1)/2003-5, dt.19.10.2009.
- 3) Sri B. Ankaiah, Senior Assistant (Retd.) Representation, dt.14.12.2009.
- 4) Memo No.11979/Vig.I(1)/2009-8, dt.14.06.2010.
- 5) Sri B. Ankaiah, Senior Assistant (Retd.) Representation, dt.24.07.2010.

...

ORDER:

Whereas in the reference first read above, the Director General, Anti Corruption Bureau, Hyderabad has reported that Sri B. Ankaiah, formerly Senior Assistant, Office of the Commercial Tax Officer-I, Ongole (now Retired) was involved in a ACB Trap Case on 24.02.2003 alleging that he demanded and accepted a bribe of Rs.500/- from the Complainant for doing official favour of issuing Assessment Certificate and the Director General, Anti Corruption Bureau has recommended to entrust this case to the Tribunal for Disciplinary Proceedings.

2) And whereas in the reference second read above, the case was entrusted to the Tribunal for Disciplinary Proceedings for detailed inquiry into the allegations made against Sri B. Ankaiah, Senior Assistant and he was placed on his defence before the Tribunal for Disciplinary Proceedings under Rule 3 of the A.P.C.S. (DPT) Rules, 1989.

3) And whereas in the reference third read above the Tribunal for Disciplinary Proceedings has submitted the Enquiry Report **in TEC No.40/2004 and found that the charge levelled against Sri B. Ankaiah, Senior Assistant has been established.**

4) And whereas in the reference fourth read above, a copy of the Report of Tribunal for Disciplinary Proceedings has been communicated to Sri B. Ankaiah, Senior Assistant (Retd.) with a direction to submit his representation if any within 15 days from the date of receipt of the Memo.

5) And whereas in the reference fifth read above, Sri B. Ankaiah, Senior Assistant (Retd.) has submitted his representation and requested the Government to drop further action.

6) And whereas in the reference sixth read above, a Show Cause Notice was issued against Sri B. Ankaiah, Senior Assistant (Retd.) and he was directed to explain as to why the penalty of withholding of pension and gratuity in full permanently should not on him.

7) And whereas in the reference seventh read above, Sri B. Ankaiah, Senior Assistant (Retd.) has contended that Rule 9 of APRP Rules, 1980 is applicable in cases where the Government employee caused loss to the Government, but in this case no loss was caused to Government, therefore invoking Rule 9 of APRP Rules, 1980 will be unwise and un-warranted.

P.T.O.

::2::

He has also stated that Tribunal for Disciplinary Proceedings has failed to conduct inquiry in accordance with TDP Rules. When the inquiry itself is not in accordance with the Rules and he has not caused loss to the Government withholding of his entire pension is unlawful and arbitrary. He has requested the Government to remit back the whole case for further inquiry and till then the provisional decision of proposed punishment may be kept in abeyance.

8) After careful examination matter in detail, it was noticed that the two contentions raised by Sri B. Ankaiah, Senior Assistant (Retd.) are not tenable, as Rule 9 of A.P. Revised Pension Rules, 1980 is applicable in cases of 'grave misconduct' or 'negligence'. In this case the allegation is one of 'bribery' which comes under the broad definition of 'grave misconduct'. The second contention of the Accused Officer, i.e., the Tribunal for Disciplinary Proceedings did not hold a common enquiry under Rule 3(2) of APCS (DPT) Rules, 1989 is also not correct, since the Tribunal for Disciplinary Proceedings held joint enquiry against both the Accused Officers, viz., M. Vinod Kumar, Deputy Commercial Tax Officer (TEC No.39/2004) and Sri B. Ankaiah, Senior Assistant (TEC No.40/2004) by framing charges against both of them and submitting its Enquiry Reports simultaneously against both of them i.e., on 24.09.2009. The other contentions raised by Sri B. Ankaiah, Senior Assistant (Retd.) were raised during the enquiry held by Tribunal for Disciplinary Proceedings and have been found non-tenable by the Tribunal for Disciplinary Proceedings. The Tribunal for Disciplinary Proceedings after considering the material facts and the plea of the Accused Officer have **found that the charge levelled against Sri B. Ankaiah, Senior Assistant has been established** and the same are agreed to by the Government.

9) Government, after careful examination of the matter in detail, decide to impose the punishment of withholding pension and gratuity in full permanently, under Rule 9 of A.P. Revised Pension Rules, 1980 against Sri B. Ankaiah, Senior Assistant (Retd.) **as he has been found guilty of misconduct and the charge framed against him has been established.**

10) The Commissioner of Commercial Taxes shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri B. Ankaiah, Senior Assistant (Retd.)
through the Commissioner of Commercial Taxes, A.P., Hyderabad.
The Commissioner of Commercial Taxes, A.P., Hyderabad.

Copy to:

The Director General, Anti Corruption Bureau, A.P., Hyderabad.
The Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.
The District Treasury Officer, Prakasam District at Ongole.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
File/SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER